UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

HAROLD B. MASON,   )
)
        Plaintiff,   )
)
   v.   ) Case No. 4:11CV575 FRB
)
INVISION LLC, et al.,   )
)
        Defendants.   )

MEMORANDUM AND ORDER

Presently before the Court is defendants' Motion To Strike Plaintiff's Motion Writ Of Execution. (Docket No. 46). All matters are pending before the undersigned United States Magistrate Judge, with consent of the parties, pursuant to 28 U.S.C. § 636(c).

The instant Motion is directed at plaintiff Harold B. Mason's Motion For Writ Of Execution. (Docket No. 42.) In his Motion, plaintiff seeks a "Writ of Execution of Judgment against S. Eric Westacott with all other actions in regards to Timothy McMahon and Ja'net Morgan." (Docket No. 42 at page 1). Plaintiff seeks the execution of judgment on his claims in the amount of $30,000.00 and punitive damages in the amount of $35,000.00, and also seeks additional actual and punitive damages totaling $150,000.00.

In the instant Motion To Strike, defendants argue that plaintiff's Motion is legally meaningless, rendering them unable to formulate a response. This Court has liberal discretion to strike pleadings under Rule 12(f) of the Federal Rules of Civil Procedure, which permits this Court to strike "an insufficient defense or any

redundant, immaterial, impertinent, or scandalous matter." <u>BJC Health System v. Columbia Cas. Co.</u>, 478 F.3d 908, 917 (8th Cir. 2007) (citing <u>Nationwide Ins. Co. v. Cent. Mo. Elec. Coop., Inc.</u>, 278 F.3d 742, 748 (8th Cir. 2001)). Plaintiff has not obtained a judgment upon which a Writ of Execution may be issued. His Motion For Writ of Execution is therefore impertinent and immaterial.

Therefore,

IT IS HEREBY ORDERED that defendants' Motion To Strike Plaintiff's Motion Writ Of Execution (Docket No. 46) is granted.

IT IS FURTHER ORDERED that plaintiff Harold B. Mason's Motion For Writ Of Execution (Docket No. 42) is stricken from the record.

_____
Frederick R. Buckles
UNITED STATES MAGISTRATE JUDGE

Dated this 4th day of January, 2013.